

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MAY 13, 1997
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:12 a.m. Mayor Golding recognized and welcomed four Deputy District Attorneys who recently received awards for outstanding achievements as prosecutors in our community. Mayor Golding presented Proclamations to Peter Deddeh, the recipient of the Outstanding Achievement Award for his effort to fight juvenile crime and assist with prevention programs; W. Allen Williams, the recipient of the Outstanding Achievement Award for his tireless dedication to the prosecution of gangs and gang members; Robert Eickler, President of the Deputy District Attorney's Association who is the recipient of the Leadership Award for his exceptional service under two administrations; and Daniel Goldstein, Deputy District Attorney in the family protection unit honored as the Prosecutor of the Year for his outstanding devotion to his profession. Mayor Golding expressed her thanks and gratitude to the four Deputy District Attorneys for their hard work and dedication to all citizens of San Diego.

Mayor Golding recessed the regular meeting at 11:57 a.m. to convene the Housing Authority. The regular meeting was reconvened by Mayor Golding at 11:59 a.m. with Council Member Kehoe not present. Mayor Golding recessed the regular meeting at 12:40 p.m. into Closed Session in the twelfth floor conference room at 1:50 p.m. to discuss anticipated and pending litigation, and to reconvene the regular meeting at 2:00 p.m.

Deputy Mayor Warden reconvened the regular meeting at 2:45 p.m. with Mayor Golding and Council Member Kehoe not present. Deputy Mayor Warden announced that Council decided in closed session to hold a special meeting on Thursday, May 15, 1997, in Council Chambers, at 11:00 a.m. Deputy Mayor Warden adjourned the regular meeting at 3:01 p.m. to the special meeting on Thursday, May 15, 1997, at 11:00 a.m. in Council Chambers.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
 - (1) Council Member Mathis-present
 - (2) Council Member Wear-present
 - (3) Council Member Kehoe-Excused by R-288710
(To attend California Coastal Commission Meeting)
 - (4) Council Member Stevens-present
 - (5) Council Member Warden-present
 - (6) Council Member Stallings-present
 - (7) Council Member McCarty-present
 - (8) Council Member Vargas-present
- Clerk-Abdelnour (pr/lw)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-not present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

ITEM-10: INVOCATION

Invocation was given by Reverend Tony Freeman of the
Metropolitan Community Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member
Stallings.

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell regarding the PFFA and JPA, and his
feeling that they are a fraudulent authority.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A029-059.)

ITEM-PC-2:

Comment By Gary Hill regarding the lack of stadium buses and
the MTDB informing him that he would have to wait for
trolley services to be implemented for more public
transportation to the Stadium.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A064-074.)

ITEM-PC-3:

Comment by Al Strohlein thanking Council, Helen Duffy and John Leppert for the lighting at Crown Point; something he has been waiting for for thirty years.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A075-084.)

COUNCIL COMMENT:

ITEM-CC-1:

Comment by Mayor Golding informing Council and the public that Planning Commissioner Verna Quinn is very ill with lung cancer at Mercy Hospital. Mayor Golding expressed everyone's best wishes for Verna's recovery.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A085-094.)

ITEM-CC-2:

Comment by Council Member Stallings that this weekend she was a participant in a Children's Hospital event called the "Celebration of Champions" acknowledging children who do have or have had cancer. Council Member Stallings further commented on the childrens' courage and smiles as they were

accompanied by many professional athletes and acknowledged Children's Hospital, the Copleys, the Padres, and Cox Cable for the sponsorship of this wonderful event.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A096-110.)

ITEM-CC-3:

Comment by Council Member Warden welcoming and recognizing the Student Council from Miramar Ranch Elementary School who came to the council meeting to see how city government works.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A111-120.)

ITEM-30:

SUBJECT: SAY Day at the Bay 1997.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-97-992) ADOPTED AS RESOLUTION R-288637

Recognizing the accomplishments of Social Advocates for Youth (SAY) San Diego;

Proclaiming May 17, 1997 to be "SAY Day at the Bay 1997" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A189-231.)

MOTION BY VARGAS TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31:

SUBJECT: National Public Works Week.

(Presentation by Councilmember Vargas.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1097) ADOPTED AS RESOLUTION R-288638

Proclaiming the week of May 18 through 24, 1997 to be "National Public Works Week" in San Diego;

Calling upon all citizens and civic organizations to familiarize themselves with issues involved in providing public works and recognizing the public works officials who each day contribute to health, safety and quality of life.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A233-263.)

MOTION BY VARGAS TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-32: HEARING GRANTED

SUBJECT: Request by National Enterprises, Inc. for San Diego Investments #1 LLC owners; Sam's Super Food, Mike Gardy, Lessee, et al. for a hearing of an appeal from the decision of the Board of Zoning Appeals in partially approving the request to amend Alcoholic Conditional Use Permit CUP-20805 (Sam's Super Food).

(Mid-City Community Area. District-4.)

TODAY'S ACTION IS:

A motion either granting or denying the request for a hearing of the appeal.

SUPPORTING INFORMATION:

The appeal is being requested to: (1) amend CUP-20805 which permits the sale of alcoholic beverages, where such is permitted by Conditional Use Permit only; and (2) to modify conditions imposed on the previously approved permit relating to window advertising, types of alcoholic beverages and the sale of individual containers.

LEGAL DESCRIPTION:

The property is more particularly described as Lot 1, Terrace View Villas, Map-11840, at 4111 Home Avenue, located on the southeasterly corner of Home Avenue and Spillman Drive, CN Zone, in the Mid-City Community Planning Area.

FILE LOCATION: ZONE C-20805

COUNCIL ACTION: (Tape location: A354-361.)

MOTION BY McCARTY TO GRANT THE REQUEST FOR A HEARING OF THE APPEAL. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-50: CONTINUED TO MAY 27, 1997

SUBJECT: Amending the San Diego Municipal Code Regarding Public Works - Use of City Forces.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/28/97. (Council voted 8-0. Councilmember Wear not present):

(O-97-105)

Amending Chapter II, Article 2, Division 2, of the San Diego Municipal Code, by amending Section 22.0212 "Public Works - Use of City Forces," to increase from \$15,000 to \$100,000 the amount the City Manager may approve for use of City Forces on public works projects.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A448-590.)

CONSENT MOTION BY WARDEN TO CONTINUE THIS ITEM TO MAY 27, 1997 WITH DIRECTION TO THE CITY MANAGER TO PROVIDE COUNCIL WITH THE PROS AND CONS OF INCREASING THE USE OF CITY FORCES FROM \$15,000 TO \$50,000, AND FROM \$15,000 TO \$100,000. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-51:

SUBJECT: A Rezone of a 2.79-acre Site at 6171-6185 Imperial
Avenue - Trolley Stop Plaza Project.

(RZ-96-0676. District-4.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on
4/29/97. (Council voted 9-0):

(O-97-97) ADOPTED AS ORDINANCE O-18404 (New Series)

Approving a rezone of a commercially improved 2.79-acre
project site located at 6171-6185 Imperial Avenue, from
the existing CSF-3 Zone to the CSF-2 Zone.

FILE LOCATION: ZONE-ORD #18404

COUNCIL ACTION: (Tape location: A448-590.)

CONSENT MOTION BY WARDEN TO DISPENSE WITH THE READING AND
ADOPT THE ORDINANCE. Second by Stevens. Passed by the
following vote: Mathis-yea, Wear-yea, Kehoe-not present,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

* ITEM-52:

SUBJECT: Naval Training Center Redevelopment Project.

(Peninsula Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on
4/29/97. (Council voted 9-0):

(O-97-102) ADOPTED AS ORDINANCE O-18405 (New Series)

Approving and adopting the Redevelopment Plan for the
Naval Training Center Redevelopment Project.

FILE LOCATION: LAND-NTC Naval Training Center (67) (10)

COUNCIL ACTION: (Tape location: A448-590.)

CONSENT MOTION BY WARDEN TO DISPENSE WITH THE READING AND
ADOPT THE ORDINANCE. Second by Stevens. Passed by the
following vote: Mathis-yea, Wear-yea, Kehoe-not present,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

* ITEM-53: RETURNED TO THE CITY MANAGER

SUBJECT: Transfer of Non-Exclusive Agreement from Laidlaw Waste
Systems, Inc., to Allied Waste Industries.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-97-106)

Introduction of an Ordinance approving the Transfer of
a Non-Exclusive Franchise Agreement from the Laidlaw
Waste Systems Inc., to Allied Waste Industries.

NOTE: 6 votes required pursuant to Section 103 of the City
Charter.

CITY MANAGER SUPPORTING INFORMATION:

On December 13, 1996, the City Council enacted Ordinance No. O-18353 which amended the Municipal Code to establish Non-Exclusive Franchises for solid waste haulers and authorized the City Manager to execute Non-Exclusive Franchise Agreements with the City's 17 existing licensed solid waste haulers. Under City Charter Section 103, these franchises can be transferred by an ordinance of the Council. Charter Section 103 states as follows:

"For the purpose of this Section, a Council approved transfer shall be required when there is any change in the legal structure of the entity which holds the franchise, which change alters the ownership or control of the entity. Such changes include, but are not necessarily limited to, sale, lease, assignment...." It further states that "Absent Council approval, the franchise shall not be deemed to have been transferred to the new entity." On January 1, 1997, Allied Waste Industries acquired all assets of Laidlaw, Inc., including its San Diego operations, and subsequently applied to have the franchise transferred to Allied Waste Industries. City staff has reviewed the application and determined that San Diego operations will continue under the name of Laidlaw Waste Systems, Inc., that Allied Waste Industries possesses all the technical and financial requirements to receive a Non-Exclusive Franchise and that the transfer will not have an adverse impact on completion for solid waste hauling services in the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A448-590.)

CONSENT MOTION BY WARDEN TO RETURN THIS ITEM AT THE CITY MANAGER'S REQUEST FOR FURTHER REVIEW. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-100:

SUBJECT: Sewer Access Easement Abandonment and Easement
Acquisition - Parcel 5 of Parcel Map PM-16737.

(Kearny Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1110) ADOPTED AS RESOLUTION R-288639

Approving the acceptance by the City Manager of the deed of Caster Group L.P., conveying to the City an access easement for sewer construction and maintenance in a portion of Parcel 5 of Parcel Map PM-16737;

Authorizing the execution of a quitclaim deed, quitclaiming to Caster Family Enterprises, Inc., all of the City's right, title and interest in the access easement for sewer construction and maintenance also in a portion of Parcel 5 of Parcel Map PM-16737.

CITY MANAGER SUPPORTING INFORMATION:

The access easement being abandoned was acquired at no cost to the City and the City has no fee interest. This easement is being abandoned in exchange for an access easement to be granted in a different location on the same property. The exchange was necessary to accommodate the re-routing of an existing easement for maintenance of a sewer pump station. There are public improvements associated with this map as shown on drawing nos. 28254-D(1-8). Permit #W45832 has been issued and a bond in the amount of \$76,014 has been posted to insure completion of the improvements.

FILE LOCATION: DEED F-6980 DEEDFY97-1

COUNCIL ACTION: (Tape location: A448-590.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-101:

SUBJECT: Five actions related to Authorizing Suggestion Awards
to City Employees.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-1080) ADOPTED AS RESOLUTION R-288640

Bill Shannon - MWWD - \$103.28.
Randal Ballard - Fire - \$471.

Subitem-B: (R-97-1081) ADOPTED AS RESOLUTION R-288667

Edwin Heidig - Water Utilities - \$500.

Subitem-C: (R-97-1082) ADOPTED AS RESOLUTION R-288668

Salvador Serrato - Transportation/Streets - \$500.

Subitem-D: (R-97-1083) ADOPTED AS RESOLUTION R-288669

Karl Kierulff - Park & Recreation/Metro - \$2,500.

Subitem-E: (R-97-1084) ADOPTED AS RESOLUTION R-288670

Benjamin Lopez - MWWD - \$320.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A448-590.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-102:

SUBJECT: Accepting \$225,000 of Federal Funds for the Multiple
Species Conservation Program (MSCP).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1119) ADOPTED AS RESOLUTION R-288641

Authorizing the acceptance of an amount not to exceed
\$225,000 from the San Diego Association of Governments,
of funds distributed by the U.S. Fish and Wildlife
Service, to be placed in the Metropolitan Wastewater
Department Fund 41509, CIP-45-910.3, Program Planning &
Studies, to help cover costs of preparing the City's
Multiple Species Conservation Plan (MSCP);

Authorizing Amendment No. 3 of the agreement with the
San Diego Association of Governments, for pass-through
funding in connection with the Multiple Species
Conservation Program;

Authorizing the City Auditor and Comptroller to amend
the CIP budget to increase CIP-45-910.3, Program

Planning & Studies, by the amount of \$225,000 from \$1,392,431 to \$1,617,431, in accordance with the 1997 Appropriation Ordinance.

CITY MANAGER SUPPORTING INFORMATION:

Since federal Fiscal Year 1993, the City of San Diego has received funds from the U.S. Fish and Wildlife Service to help the City to cover the costs of preparing the Multiple Species Conservation Program (MSCP) Plan. Other local governments in Southern California that are actively preparing multiple species, multiple habitat conservation plans also have received federal funds to assist them in their planning efforts. To date, the City has received for MSCP the following amounts of federal funds: \$98,000 in FY '93, \$218,846 in FY '94, \$218,846 in FY '95. For Federal Fiscal Year 1996, the allocation to the City of San Diego for MSCP is \$225,000. Receipt of these funds by the City would bring the total contribution for MSCP to \$750,692.

Aud. Cert. 9701061.

FILE LOCATION: LAND-Multiple Species Conservation
Program (MSCP) CONTFY97-1

COUNCIL ACTION: (Tape location: A448-590.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-103:

SUBJECT: Reclaimed Water Retrofit Participation Agreement with
Quest Homeowners Association.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1101) ADOPTED AS RESOLUTION R-288666

Authorizing a Reimbursement Agreement with Quest Homeowners Association, for reclaimed water retrofitting;

Authorizing the use of City Forces to do the work in connection with retrofitting; declaring that the cost shall not exceed \$10,000;

Authorizing the expenditure of an amount not to exceed \$86,320 from Water Revenue Fund No. 41500, CIP-70-941.0, Annual Allocation for Reclaimed Water Retrofit Systems, to provide funds for the above agreement in the amount of \$76,320, and to fund work required by City Forces in the amount of \$10,000.

CITY MANAGER SUPPORTING INFORMATION:

This agreement is to reimburse the customer, identified as Quest Homeowners Association, located at 10192 Caminito Zar, San Diego, CA, for design and construction costs as described in the Reimbursement Agreement, required to retrofit their existing onsite potable water distribution system, to accept reclaimed water for the purpose of irrigation.

This agreement is prepared in accordance with Council Resolution No. R-287560. Upon execution of this agreement, the customer shall within one calendar year complete the retrofit requirements as stated in paragraph 1 of the Reclaimed Water Retrofit Agreement Recitals.

Aud. Cert. 9700957.

FILE LOCATION: MEET CONFY97-1

COUNCIL ACTION: (Tape location: E005-108.)

MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-not present.

* ITEM-104:

SUBJECT: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(See City Manager's Update dated 5/13/97. San Ysidro and Tijuana River Valley Community Areas. District-8.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1144) ADOPTED AS RESOLUTION R-288642

Declaring a continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: Gen'l - State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

COUNCIL ACTION: (Tape location: A448-590.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-105:

SUBJECT: FY 98 Extensions to Memoranda of Understanding (MOU)
with Labor Unions.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1140 Cor.) ADOPTED AS RESOLUTION R-288643

Approving amendments to the Memorandum of Understanding (MOU) with Local 145 of the International Association of Fire Fighters, the San Diego Municipal Employees' Association (MEA), and Local 127 of the American Federal of State, County and Municipal Employees' Association (AFSCME, AFL-CIO);

Approving the following corrections to the Memorandum of Understanding with the Police Officers Association (POA):

1. Delete the conflicting language regarding cease to accrue language;
2. Reinsert a paragraph in the Uniforms Article which was inadvertently omitted in 1994.

CITY MANAGER SUPPORTING INFORMATION:

The Management Team of the City of San Diego has met and conferred with the Labor Unions and reached agreements on FY98 extensions to the Memoranda of Understanding with Local 145 of the International Association of Firefighters (Local 145), Municipal Employees' Association (MEA) and Local 127, AFSCME, AFL-CIO regarding wages, hours and other terms and conditions of employment. On July 2, 1996, the City adopted Resolution No. R-287582, approving these FY98 MOU extensions subject to final

approvals of the Manager's Proposal of Retirement System changes. On March 31, 1997, the City Council adopted Ordinance O-97-88 implementing the final elements of the Retirement Proposal, subject to an affirmative vote of the Members of the Retirement System as required by City Charter. On April 21, 1997, the Retirement Board of Administration confirmed that the Members of the System voted to approve the benefit changes by a vote of 3,181 in favor and 88 opposed. On December 9, 1996, the City Council adopted Resolution No. R-288172 approving the Memorandum of Understanding with the Police Officers Association (POA) for a two year period ending June 30, 1998. Subsequently, two errors were identified by the POA and are corrected herewith. The first was to delete conflicting language regarding cease to accrue language, and the second was to reinsert a paragraph in the Uniforms Article which was inadvertently omitted in 1994. Neither of these are substantive. Pursuant to these negotiations, the Management Team and Labor Unions have agreed to the provisions contained in the successor Memoranda of Understanding on file with the City Clerk's Office.

FILE LOCATION: MEET CONFY97-4

COUNCIL ACTION: (Tape location: C260-D217.)

Motion by Vargas to approve amendments to the MOU with Local 145 of the International Association of Fire Fighters, San Diego Municipal Employees' Association (MEA), and corrections to the MOU with the Police Officers Association; and to declare an impasse in regards to Local 127 with direction to the City Manager to go back into negotiations. Second by Stevens. No vote taken.

SUBSTITUTE MOTION BY MATHIS TO APPROVE THE THREE EXISTING AGREEMENTS AS TO THE MOU'S WITH LOCAL 145, MEA, AND POA; AND TO SEPARATE OUT THE LOCAL 127 AGREEMENT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

MOTION BY MATHIS TO APPROVE THE EXISTING AGREEMENT WITH LOCAL 127. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-nay, Mayor-Golding-yea.

* ITEM-106:

SUBJECT: Honoring Tierrasanta Lutheran Church 25th Anniversary.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1098) ADOPTED AS RESOLUTION R-288644

Commending Tierrasanta Lutheran Church on the celebration of its 25th Anniversary, and applauding the parish for the vital role that it has played in improving the quality of life in the local community and beyond.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A448-590.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-107:

SUBJECT: California Archaeology Week.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1095) ADOPTED AS RESOLUTION R-288645

Proclaiming the week of May 12 through 18, 1997 to be
"California Archaeology Week" in San Diego;

Encouraging all citizens to take the time to learn more
about the archaeological history of our great state and
the ways we can help to protect and preserve this very
important part of California.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A448-590.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-108:

SUBJECT: National Historic Preservation Week.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1096) ADOPTED AS RESOLUTION R-288646

Proclaiming the week of May 11 through 17, 1997 to be
"National Historic Preservation Week" in San Diego, and
calling upon the people of San Diego to join their
fellow citizens across the United States in recognizing
and participating in this special observance.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A448-590.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-109:

SUBJECT: Lot Line Adjustment and Easement Abandonment - Parcel
Map W.O. No. 96-225.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1129) ADOPTED AS RESOLUTION R-288647

Approving Parcel Map W.O. No. 96-225 including the
abandonment of portions of open space easements granted
to the City.

CITY MANAGER SUPPORTING INFORMATION:

Lot Line adjustment parcel maps are maps changing the location of
existing lot lines. Lot line adjustment maps normally do not
require Council approval. This lot line adjustment map requires
City Council approval because existing open space easements are
being abandoned on the map. New easements for water facilities,
open space, and building restriction are being granted on the map
to meet current project requirements. This project was graded in

the late 1970's, and minor discrepancies were found in the location of some building pads throughout the subdivision. These discrepancies produced minor encroachments of the graded pads into internal open space lots. The slight adjustment of these lot lines will assure compliance with the City requirements for maintaining lot lines at the top of slopes and will eliminate confusion that may arise from inconsistencies between lot line locations and the physical location of improvements. All proposed changes are consistent with the previously approved permits and entitlements. They were granted without cost to the City and all costs of this action are paid for by the applicant.

FILE LOCATION: SUBD-Parcels 1, 2, 11, 13, 133, 136,
168; POR parcel 169; all of Parcel map
11408; Parcels 5-13 inclusive Parcel Map
17560 Lots 2, 30, 31, 41, map 10759

COUNCIL ACTION: (Tape location: A448-590.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-110:

SUBJECT: Reappointments to the Board of Library Commissioners.

(See memorandum from Mayor Golding dated 5/1/97.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1152) ADOPTED AS RESOLUTION R-288648

Council confirmation of the following reappointments by the Mayor to the Board of Library Commissioners, for terms ending March 1, 1999:

Charles Elster
Khalada Salaam
Mary Lindestein Walshok

Waiving Council Policy 000-13 regarding City residency requirements for Mary Walshok.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A448-590.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-111:

SUBJECT: Settlement of the Personal Injury Claim of Carmen Smith
et al.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1018) ADOPTED AS RESOLUTION R-288649

A Resolution approved by the City Council in Closed Session on Tuesday, March 27, 1997 by the following vote:
Mathis-yea; Wear-yea; Kehoe-yea; Stevens-not present;
Warden-not present; Stallings-not present; McCarty-yea;
Vargas-yea; Mayor-not present.

Authorizing the City Manager to pay the total sum of \$52,000 in the settlement of each and every claim against the City, its agents and employees, in Superior Court Case No. 697327, Carmen Smith, et al v. City of San Diego, et al. and Andrea Raine v. City of San Diego, et al (consolidated) resulting from an incident which occurred on March 21, 1995;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$14,000 made payable to Carmen Smith, and her attorney, Lawrence Cruz; one check in the amount of \$30,000 made payable to Justin Smith by and through his Guardian ad Litem, Carmen Smith, and Lawrence Cruz; one check in the amount of \$4,000 made payable to Emma Smith by and through her Guardian ad Litem, Carmen Smith, and Lawrence Cruz; and one check in the amount of \$4,000 made payable to Andrea Raine and her attorney of record, Mark T. Brisebois, in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the Personal Injury Claim of Carmen Smith et. al. against the City of San Diego, its agents and employees, as a result of an incident which occurred on March 21, 1995.

Herring/Oliva/JE

Aud. Cert. 9701056.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A448-590.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200: IMPASSE PROCEDURE PROVIDED

SUBJECT: Providing an impasse procedure, if necessary, for
Management and Labor Organizations currently involved
in negotiations.

CITY MANAGER SUPPORTING INFORMATION:

The current Memorandums of Understanding and Council Policy No. 300-6 provide that Labor Organizations have a right to a Council hearing on any issues at impasse at the conclusion of negotiations. The purpose of the impasse meeting shall be to identify and specify in writing the issue or issues that remain in dispute; to review the position of the parties in a final effort to resolve such disputed issue or issues; or if the dispute is not resolved, to discuss arrangements for the utilization of the impasse procedure contained in Council Policy 300-6.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A260-D217.)

MOTION BY MATHIS TO APPROVE THE HEARING. Second by McCarty.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201:

SUBJECT: Four actions related to Preparation of the Salary
Ordinance for FY 97-98 and Resolutions Regarding
FY 98 Salary Ordinance.

PERSONNEL DIRECTOR'S RECOMMENDATION:

Introduce the Ordinance in Subitem A and adopt the
resolutions in Subitems B, C and D:

Subitem-A: (O-97-108) INTRODUCED, TO BE ADOPTED MAY 27,
1997

Introduction of an Ordinance establishing a Schedule of
Compensation for Officers and Employees of the City of
San Diego for the Fiscal Year 1997-98.

Subitem-B: (R-97-1146) ADOPTED AS RESOLUTION R-288650

Adoption of a Resolution establishing overtime
eligibility of classifications in the Classified
Service.

Subitem-C: (R-97-1147) ADOPTED AS RESOLUTION R-288651

Adoption of a Resolution amending Employee
Representation Units to add new classifications and
remove deleted classifications from existing
appropriate units as established in the Fiscal Year
1997-98 Salary Ordinance.

Subitem-D: (R-97-1148) ADOPTED AS RESOLUTION R-288652

Adoption of a Resolution authorizing classifications
eligible for the Management Benefits Plan.

FILE LOCATION: SUBITEM A: NONE;
SUBITEMS B, C, D: MEET

COUNCIL ACTION: (Tape location: A448-590.)

CONSENT MOTION BY WARDEN TO INTRODUCE THE ORDINANCE FOR
SUBITEM A AND ADOPT THE RESOLUTIONS FOR SUBITEMS B, C, AND
D. Second by Stevens. Passed by the following vote:

Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea,
Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor
Golding-yea.

Council Member Mathis, Wear, and Vargas voted nay on the
Council salary portion only.

ITEM-202:

SUBJECT: Two actions related to Inviting Bids for the Mission
Gorge Road Widening Project - Princess View Drive to
Margerum Avenue and Certifying Negative Declaration
LDR-96-0733.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-1126) ADOPTED AS RESOLUTION R-288653

Inviting bids for the Mission Gorge Road Widening
Project - Princess View Drive to Margerum Avenue on
Work Order No. 119887;

Authorizing a contract with the lowest responsible
bidder;

Authorizing the expenditure of not to exceed \$2,000,000
from TransNet Fund No. 30300, CIP-52-501.0, Mission
Gorge Road Widening between Princess View Drive and
Margerum Avenue. (BID-K97200C)

Subitem-B: (R-97-1127) ADOPTED AS RESOLUTION R-288654

Certifying that Negative Declaration LDR-96-0733 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines; that the declaration reflects the independent judgement of the City as Lead Agency; that the information contained in the declaration, together with any comments received during the public review process, has been reviewed and considered by Council in connection with approval of the Mission Gorge Road Widening - Princess View Drive to Margerum Avenue.

CITY MANAGER SUPPORTING INFORMATION:

This current Capital Improvement Project is scheduled to begin construction per the approved CIP Program. The project will widen Mission Gorge Road from four lanes to six lanes between Princess View Drive and Margerum Avenue. Other improvements will include Class II bicycle lanes, sidewalk, drainage facilities, raised median, and traffic signal modifications at Princess View Drive. Construction of this project will help relieve traffic congestion in the area and will make this portion of Mission Gorge Road consistent with other existing sections of the roadway.

Aud. Cert. 9701060.

FILE LOCATION: W.O. 119887 (CONT - L. R. Hubbard
Construction Co., Inc. CONFY97-1

COUNCIL ACTION: (Tape location: A448-590.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-203:

SUBJECT: Two actions related to Inviting Bids for Construction of Sewer Group 622 and Certifying Mitigated Negative Declaration LDR-96-0669.

(Barrio Logan Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-861) ADOPTED AS RESOLUTION R-288655

Inviting bids for the Construction of Sewer Group 622 on Work Order No. 172311;

Authorizing a contract with the lowest responsible bidder, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of \$1,569,970 from Sewer Revenue Fund 41506, Sewer Construction Outlay 70492 and CIP-44-001 for Sewer Main Replacement Group Job 622, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K97099C)

Subitem-B: (R-97-1130) ADOPTED AS RESOLUTION R-288656

Certifying that Mitigated Negative Declaration LDR-96-0669 has been completed in compliance with the

California Environmental Quality Act of 1970, as amended, and State guidelines; that the declaration reflects the independent judgement of the City as Lead Agency; that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the construction of Sewer Main Replacement Group Job 622; approving the Mitigated Negative Declaration; adopting the Mitigation, Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

Sewer Main Replacement Group Job 622 is located in the Barrio Logan Community Area. This project is a portion of the continuing annual Capital Improvement Program to replace old and deteriorated concrete sewer mains within the City of San Diego. The sewer mains proposed to be replaced or rehabilitated (trenchless technology) were installed in the 1920's. This project will construct 9,939 feet of new 8-inch sewer mains and rehabilitate 786 feet of 6-inch sewer mains. The following streets and alleys will be affected in the Barrio Logan area by construction activities: 38th Street, 39th Street, Delta Street, Epsilon Street, Gamma Street, the alley between Cottonwood Street and Birch Street and the alley between Acacia Street and Birch Street. Residents will be notified by mail at least one month before construction by the City of San Diego, and ten days before construction by the contractor.

WWF-CSD-97-283.

FILE LOCATION: W.O. 172311 CONFY97-1

COUNCIL ACTION: (Tape location: C164-259.)

MOTION BY MATHIS TO ADOPT THE RESOLUTIONS AND TO INCLUDE AS PART OF THE MOTION MAYOR GOLDING'S REQUEST TO DIRECT THE

CITY MANAGER THAT PRIOR TO AWARDED THE CONTRACT TO THE LOWEST RESPONSIBLE BIDDER, PROVIDE COUNCIL WITH A REPORT ON THEIR COMPLIANCE TO THE EQUAL OPPORTUNITY PERFORMANCE. IF A REPORT IS NOT PROVIDED AND A CONTRACT IS AWARDED, THE CONTRACT WILL BE INVALID. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-204:

SUBJECT: Amendment to the Mission Bay Park Master Plan Update
(Bahia Point).

(See City Manager Report CMR-97-85. Mission Bay Park
Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1121) ADOPTED AS RESOLUTION R-288657

Authorizing the City Manager to approve an amendment to the previously approved Mission Bay Park Master Plan/Local Coastal Program as recommended and certified by the California Coastal Commission on November 15, 1996.

FILE LOCATION: LAND-Mission Bay Park Master Plan

COUNCIL ACTION: (Tape location: A605-C163.)

Hearing began at 11:06 a.m. and recessed at 11:47 a.m.

Testimony in opposition by Billy Paul, Al Strohlein, Gregory Gielselman, Mary Lynn Hyde, and Mirian Kirshner.

Testimony in favor by Bill Evans, Helen Duffy, Jacquelyn Landis, and Dan Auld.

MOTION BY WEAR TO APPROVE AN AMENDMENT TO THE PREVIOUSLY APPROVED MISSION BAY PARK MASTER PLAN AS RECOMMENDED AND CERTIFIED BY THE CALIFORNIA COASTAL COMMISSION ON NOVEMBER 15, 1996, AND AS DESCRIBED IN COUNCIL MEMBER WEAR'S MEMO OF MAY 9, 1997, PASSED OUT TO COUNCIL AS FOLLOWS: 1) THE ORIGINAL MASTER PLAN WORDING ELIMINATED 250 PUBLIC PARKING SPACES AND MITIGATED THAT LOSS AT FIESTA ISLAND AND THE EAST SIDE OF MISSION BAY. CLEARLY, AN ADEQUATE AMOUNT OF PUBLIC PARKING NEEDED TO BE MAINTAINED AT BAHIA POINT. FURTHERMORE, IT WAS DETERMINED THAT LOST PARKING SPACES AT BAHIA POINT MUST BE MITIGATED AT VENTURA COVE, BONITA COVE AND THE WESTERN PORTION OF MISSION BAY WHERE THE NEED CONTINUES TO EXIST; 2) THE PREVIOUS LANGUAGE DID NOT TAKE INTO ACCOUNT SUFFICIENT ACCESS FOR SMALL BOAT USERS AT BAHIA POINT. THE WESTERN PORTION OF MISSION BAY IS CALLED SAIL BAY FOR A GOOD REASON. ACCESS FOR SMALL WATER CRAFT USERS AND OTHER RECREATIONAL USE NEEDED TO BE INCORPORATED INTO THE LANGUAGE ADOPTED BY THE COASTAL COMMISSION; 3) THE TRADITIONAL PICNIC USE BY THE ITALIAN-AMERICAN COMMUNITY ALONG THE EASTERN SHORELINE ALSO NEEDED TO BE PRESERVED. ANY LOSS OF LAWN AT BAHIA POINT, NEEDS TO BE MITIGATED BY ADDITIONAL LAWN AREA ALONG VENTURA COVE AND AN AREA FOR BOCCE BALL AND OTHER RECREATIONAL USES; 4) IN ADDITION, THE PEDESTRIAN/BIKE PATH AROUND BAHIA POINT WAS NOT GUARANTEED IN THE ORIGINAL LANGUAGE, BUT IN THE CURRENT WORDING IT IS ASSURED. HOWEVER, A 16 FOOT WIDE NEW PATH WAY WAS CONSIDERED TO BE AN OVERKILL WHEN AN 8 TO 19 FOOT PATH IS ADEQUATE ELSEWHERE ALONG THE BAY. A 10 FOOT WIDE PATH MAKES SENSE AND THERE IS WIDE SUPPORT FOR IT; 5) THE ORIGINAL MISSION BAY MASTER PLAN LANGUAGE ESSENTIALLY GAVE THE HOTEL LEASEHOLD AN UNLIMITED OPPORTUNITY TO EXPAND. IN CONTRAST, THE RECOMMENDATION FROM THE COASTAL COMMISSION STAFF DID NOT PROVIDE FOR ANY LEASE EXPANSION. THE LANGUAGE I DRAFTED, WHICH THE COASTAL COMMISSION APPROVED, SHOULD BE VIEWED AS A

BROAD FRAMEWORK TO GUIDE THE PRECISE DEVELOPMENT OF BAHIA POINT. PETER DOUGLAS, THE EXECUTIVE DIRECTOR OF THE COASTAL COMMISSION, SPEAKING ON BEHALF OF HIS STAFF, WAS OF THE OPINION THAT MY PLAN "TREMENDOUSLY IMPROVED" THE ORIGINAL LANGUAGE AND HE THOUGHT IT WAS A GOOD COMPROMISE; AND 6) UNDER MY COMPROMISE PROPOSAL, THE BAHIA HOTEL WOULD BE ALLOWED SOME EXPANSION AND THE LEASE COULD BE SHIFTED IN SOME AREAS. THE DEMAND TO MAINTAIN PUBLIC PARKING WAS IDENTIFIED AS A PRIORITY OF ANY REDEVELOPMENT PLAN. CURRENTLY, THERE ARE AT LEAST 100 HOTEL EMPLOYEES THAT PARK IN PUBLIC AREAS. THE HOTEL IS NOW REQUIRED TO PROVIDE ON SITE PARKING FOR ALL EMPLOYEES AND GUESTS WITHIN ITS LEASEHOLD. ACCESS NEEDS FOR SMALL WATER CRAFT USERS AND THE USE OF TRADITIONAL PICNIC AREAS ALONG THE EASTERN SHORELINE ARE PRESERVED AS PART OF ANY SPECIFIC REDEVELOPMENT PLAN. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

ITEM-330: CONTINUED TO MAY 27, 1997

SUBJECT: An appeal of Frank Sipe from the Planning Commission in approving Conditional Use Permit CUP-96-0076 (Texaco Station at Viper).

(Mira Mesa Community Area. District-5.)

TODAY'S ACTIONS ARE:

Adopt Subitem A; adopt Subitem B to deny the appeal and grant the permit:

Subitem-A: (R-97-)

Adoption of a Resolution certifying that the
information contained in Environmental Mitigated

Negative Declaration DEP-96-0161 and DEP-96-0076 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and Statement of Overriding Considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-97-)

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

CITY MANAGER'S RECOMMENDATION:

1. Certify Mitigated Negative Declaration DEP-96-0161 and DEP-96-0076.
2. Approve Conditional Use Permit CUP-96-0076 without a drive-thru restaurant, subject to conditions.
3. Direct staff to forward to the Alcoholic Beverage Control Department, conditions recommended by the Police Department for inclusion in the Beer and Wine licenses.

SUPPORTING INFORMATION:

The subject site is located at the southwest corner of Mira Mesa Boulevard and Viper Way. The adopted Mira Mesa Community Plan designates the subject property for Industrial Park development and the property is zoned M-1B, Industrial. The property to the east is developed with a neighborhood commercial shopping center and is zoned CA. Other surrounding properties are zoned M-1A and M-1B,

Industrial, and are either vacant or developed with a mixture of light industrial, office and warehouse uses.

The subject site is part of a 390 acre tract of land, located on both sides of Mira Mesa Boulevard in this area, that was approved for M-1A and M-1B zoning, subdivision and a Planned Industrial Development Permit (PID) Case- 82-0440 in 1984. The subject property has since been rough graded but remains undeveloped.

Approved PID conditions provide for development of the subject property with uses permitted by the underlying M-1B Zone. Adopted City-wide zoning regulations allow for the consideration of automobile service stations in the M-1B Zone by means of the Conditional Use Permit process.

LEGAL DESCRIPTION:

The site is located at the southwest corner of Mira Mesa Boulevard and Viper Way in the Lusk Mira Mesa Business Park East I, and is more particularly described as Unit No. 3, Map-11437 in the Mira Mesa Community Planning Area.

FILE LOCATION: PERM-CUP-96-0076

COUNCIL ACTION: (Tape location: A448-590.)

CONSENT MOTION BY WARDEN TO CONTINUE TO MAY 27, 1997 DUE TO IMPROPER NOTICING. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331:

SUBJECT: Amendment to the Del Mar Mesa Specific Plan.

(North City Future Urbanizing Area (Subarea V).
District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in Subitem A, and introduce the ordinance in Subitem B:

Subitem-A: (R-97-970) ADOPTED AS RESOLUTION R-288658

Adoption of a Resolution requesting transfer of authority from the California Coastal Commission to the City of San Diego, for the issuance of Coastal Development Permits, and that upon transfer, the review and approval of permits shall be conducted in conformance with the Del Mar Mesa Specific Plan and the North City Local Coastal Program, as amended.

Subitem-B: (O-97-99) INTRODUCED, TO BE ADOPTED MAY 27, 1997

Introduction of an Ordinance amending the Del Mar Mesa Specific Plan. The provision of this ordinance shall not be applicable within the Coastal Zone until the thirtieth day following the date the California Coastal Commission unconditionally certifies this ordinance as an amendment to the City's Local Coastal Program.

CITY MANAGER SUPPORTING INFORMATION:

On September 9, 1996, the City Council approved the Del Mar Mesa Specific Plan and implementing ordinances and resolutions. Approval of the Del Mar Mesa Specific Plan constitutes an amendment to the North City Local Coastal Program and requires approval by the California Coastal Commission. On November 12, 1996, the Coastal Commission approved the North City Local Coastal Program amendment with modifications intended to address

the Commission's issues concerning affordable housing density bonus provisions, boundary adjustments to the Multiple Species Conservation Program (MSCP) Preserve, and payment of the Los Penasquitos Lagoon Enhancement Fee.

The Coastal Commission's proposed modifications amend the Del Mar Mesa Specific Plan and require City Council approval prior to Coastal Commission Certification of the Local Coastal Program Amendment.

The Coastal Commission's modifications to the Del Mar Mesa Specific Plan are summarized as follows:

The Affordable Housing Section has been revised to require that any increased density achieved through the density bonus provisions in State law will not result in greater encroachment into designated open space;

The Multiple Species Conservation Program Element has been revised to require that future adjustments to the proposed MSCP Preserve boundaries receive approval of a Local Coastal Program amendment;

The Facilities Financing and Fees Subsection has been revised to reflect the existing Local Coastal Program requirement that projects within the Coastal Zone and within the Los Penasquitos Lagoon watershed pay a Los Penasquitos Watershed Restoration and Enhancement Fee.

FILE LOCATION: SUBITEM A: LAND-Del Mar Mesa Specific
 Plan; SUBITEM B: NONE

COUNCIL ACTION: (Tape location: C164-259.)

Hearing began at 11:47 a.m. and halted at 11:57 a.m.

MOTION BY MATHIS TO ADOPT THE RESOLUTION FOR SUBITEM A AND TO INTRODUCE THE ORDINANCE FOR SUBITEM B. Second by Stallings. Passed by the following vote: Mathis-yea,

Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: Coastal Development Permits for the South Bay Water
Reclamation Plant and the Dairy Mart Road and Bridge
Improvement projects in the Tijuana River Valley
Community Plan Area.

(CDP-96-0268 and CDP-96-0317. District-8.)

CITY MANAGER'S RECOMMENDATIONS:

Adopt Subitems A and D; adopt Subitems B and C to grant the
permits:

Subitem-A: (R-97-1059) ADOPTED AS RESOLUTION R-288659

Adoption of a Resolution certifying that the
information contained in Environmental Impact Report
LDR-94-0635 has been completed in compliance with the
California Environmental Quality Act of 1970 and State
guidelines, and that said report has been reviewed and
considered by Council; adopting appropriate findings of
mitigation, feasibility or project alternatives and
Statement of Overriding Considerations pursuant to
California Public Resources Code Section 21081.

Subitem-B: (R-97-1319) ADOPTED AS RESOLUTION R-288660
GRANTING THE PERMIT

Adoption of a Resolution granting or denying the
CDP-96-0268 permit, with appropriate findings to
support Council action.

Subitem-C: (R-97-1320) ADOPTED AS RESOLUTION R-288661
GRANTING THE PERMIT

Adoption of a Resolution granting or denying the
CDP-96-0317 permit, with appropriate findings to
support Council action.

Subitem-D: (R-97-1058) ADOPTED AS RESOLUTION R-288662

Adoption of a Resolution approving the plans and
specifications and authorizing the Purchasing Agent to
advertise for bids for the construction of the Dairy
Mart Road and Bridge Improvement Project on Work Order
No. 193331; authorizing the expenditure of \$14,408,052
from Sewer Fund 41509, CIP-45-923.0, Dairy Mart Road
and Bridge Improvements, for the purpose of providing
funds for this project for construction and related
costs, and \$666,031 from Fund 41509, CIP Annual
Allocation, Pooled Contingency, for the purpose of
providing funds for project contingency, provided that
the City Auditor first furnishes one or more
certificates demonstrating that the funds necessary for
expenditure under established contract funding phases
are, or will be, on deposit in the City Treasury;
authorizing the Auditor and Comptroller, upon advice
from the administering department, to transfer excess
budgeted funds, if any, to the appropriate reserves;
authorizing the City Manager to establish contract
funding phases with the lowest responsible bidder for
the project.

SUPPORTING INFORMATION:

The Dairy Mart Road and Bridge Improvements Project will replace
the existing Dairy Mart and provide all-weather access to the
South Bay Water Reclamation Plant and southern Tijuana River
Valley. The project consists of a 1,000 foot long bridge, 4,000
feet of road improvements, a multi-use trail and public art. The

South Bay Water Reclamation plant is a 7 million gallon per day wastewater treatment plant that will treat wastewater generated in the southern area of the City to tertiary treatment standards so that it can be reused for irrigation. The Metropolitan Wastewater Department (MWWD) has worked closely with the community over the last three years to discuss issues related to the design of both projects.

Specifically, MWWD has worked with the community to select the alignment of the bridge. Over the last three years, MWWD has met monthly with the South Bay Focus Group and held two Open Houses to discuss these projects and other projects in the South Bay.

The MWWD has prepared an Environmental Impact Report (EIR) for the Dairy Mart Road and Bridge Improvements and the South Bay Water Reclamation Plant. A public hearing for this document was held on January 27, 1997.

It is requested that the City Council certify the EIR for these projects, approve Coastal Development Permits CDP-96-0268 and CDP-96-0317 for these projects, and approve the advertisement and award of the Dairy Mart Road and Bridge Improvement Project to the lowest responsible bidder.

LEGAL DESCRIPTION:

The subject property is more particularly described as a portion of Sections 2, 3, 10, 11, Township 19 South, Range 2 West, San Bernardino Base and Meridian, and "within the existing and proposed right-of-way of Dairy Mart Road and proposed construction easements."

FILE LOCATION: Subitems A-C: PERM-CDP-96-0268 and
CDP-96-0317; Subitem D: CONT - Herzog
Contracting Corp. W.O. 193331

COUNCIL ACTION: (Tape location: A448-590.)

Hearing began at 10:30 a.m. and halted at 11:05 a.m.

CONSENT MOTION BY WARDEN TO ADOPT THE RESOLUTIONS FOR
SUBITEMS A AND D AND TO GRANT THE PERMITS FOR SUBITEMS B AND
C. Second by Stevens. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea,
Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor
Golding-yea.

ITEM-333: CONTINUED TO JULY 15, 1997

(Continued from the meeting of April 15, 1997, Item
331, at Councilmember Kehoe's request, for 30 days.)

SUBJECT: Four actions related to the Improvement of Alley Block
3, Fortuna Park, 1911 Improvement Act.

(Pacific Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-647)

Resolution of feasibility for the improvement of Alley
Block 3, Fortuna Park, under the provisions of the San
Diego Municipal Code and the Improvement Act of 1911.

Subitem-B: (R-97-648)

Resolution ordering the work for the improvement of
Alley Block 3, Fortuna Park, under the provisions of
the San Diego Municipal Code and the Improvement Act of
1911.

Subitem-C: (R-97-649)

Resolution approving the City Engineer's Report
submitted in connection with the Improvement of Alley
Block 3, Fortuna Park.

Subitem-D: (R-97-650)

Resolution adopting the plans and specifications for
Alley Block 3, Fortuna Park under the provisions of the
San Diego Municipal Code and the Improvement Act of
1911.

CITY MANAGER SUPPORTING INFORMATION:

This proposed public improvement is a property owner initiated project under the provisions of the Improvement Act of 1911. This act provides the means to install public improvements, apportion the cost of such improvements to the benefitting parcels of land and issue ten year, fully amortized bonds repaid in semiannual installment payments of principal and interest. The property owners reside in the block bounded by Pacific Beach Drive, Fortuna Avenue, Promontory Street and Ingraham Street. The proposed improvements include grading and eighteen inch (18") storm drain. Seventy percent (70%) of the property owners (measured by area) benefitting from this improvement have shown their support for the project. The owners of sixty-one percent (61%) of the property area have signed a petition requesting the improvements. Waivers of protest for alley improvements were obtained for nine percent (9%) of the property area. The waivers were obtained as a condition of approval of building permits, recorded with the County Recorder's office and are on file with the City of San Diego. The City recently conducted a postcard survey to determine the current property owner support for this project. This survey was warranted by the passage of time (more than two years) and a significant increase in the estimated costs of the improvements from those shown in the original petition

(current estimated costs \$190,000; original estimated costs \$50,000). Postcards were mailed to each of the twenty-five (25) property owners. The results of this property owner survey are as follows:

	Parcel Area	Percentages Voting	Total
No Response	0.6888	0.0	28.6
In Favor	1.0308	60.0	42.8
Opposed	.6888	40.0	28.6
Total	2.4084	100.0	100.0

FILE LOCATION: STRT-D-2298

COUNCIL ACTION: (Tape location: A448-590.)

CONSENT MOTION BY WARDEN TO CONTINUE FOR 60 DAYS AT THE CITY MANAGER'S REQUEST FOR FURTHER REVIEW. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334:

SUBJECT: Approval of Parcel Map and Vacation of a Portion of Liquid Court.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1124) ADOPTED AS RESOLUTION R-288663

Approving the Lot Line Adjustment Map;

Vacating a portion of Liquid Court, north of Carroll Road, under the procedure for the summary vacation of streets and public service easements;

Abandoning unnecessary sewer and drainage easements on the Parcel Map pursuant to Section 66499.20 1/2 of the Subdivision Map Act and accepting on behalf of the City of San Diego easements for sewer and water facilities.

CITY MANAGER SUPPORTING INFORMATION:

The Irvine Company is developing an existing undeveloped industrial site in the Carroll Ridge Business Park in the Mira Mesa Community which will consolidate the existing five lots into two larger lots. They have requested the vacation of Liquid Court north of Carroll Road. The vacated street is entirely within their ownership and the new development will use private access from the remaining public streets. The total area to be vacated is 0.34 acres which when consolidated by the parcel map with the existing site will form a developable site of 7.56 acres. The existing street opening to Carroll Road will be replaced with a standard driveway. The new development proposes a second driveway on Recho Road to improve traffic flow within the development. The parcel map will also vacate several existing public service easements that are no longer needed for the new development and replace them with new easements as appropriate.

The areas to be vacated are shown on the second page of the parcel map. On October 22, 1996, the Mira Mesa Community Planning Group unanimously supported the development and the vacation. The only known opposition is a land owner and business located on the southern branch of Liquid Court on the other side of Carroll Road, Mesa Distributing Company. City engineering staff has responded to those concerns and has met with the owner of Mesa Distributing. Staff has approved the proposed parcel map and reviewed the associated vacations and feels that summary

proceedings under the Subdivision Map Act can be used because the street to be vacated lies within property under one ownership and does not continue through or provide access to other parcels. The four required findings by Council Policy 600-15 can be made:

1. There is no current or prospective public use for the existing right-of-way.
2. The public will benefit from the vacation through improved utilization of the land.
3. The vacation is consistent with the General Plan or any approved Community Plan.
4. The vacation will not detrimentally affect the facility for which the right-of-way was originally dedicated.

FILE LOCATION: STRT-J-2867 DEED F-7018 DEEDFY97-1

COUNCIL ACTION: (Tape location: A448-590.)

Hearing began at 10:30 a.m. and halted at 11:05 a.m.

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stevens.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S400:

SUBJECT: North Torrey Pines Road Community Landscaping Day.

COUNCILMEMBER MATHIS'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1151) ADOPTED AS RESOLUTION R-288664

Recognizing the efforts of the Street Division and the
Park and Recreation Department of the City of San Diego

to work within existing programs and budgets to provide for site preparation, irrigation, and maintenance;

Recognizing the efforts of the University of California, San Diego to provide funding and staff resources for site preparation, irrigation, Torrey Pine trees transplanted from Solana Beach, new Torrey Pine and Eucalyptus trees, and other improvements;

Recognizing the many community volunteers who have given both time and money to plant new trees and assure that this median area will continue to be a community asset;

Proclaiming Monday, May 12, 1997 to be "North Torrey Pines Road Community Landscaping Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A281-349.)

MOTION BY VARGAS TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S401:

(Continued from the meeting of May 6, 1997, Item S400, at Mayor Golding's and the Councilmembers' request, because all of the budget numbers have not been presented to Council.)

SUBJECT: Approval of Provider for Emergency Medical and Medical Transportation Services (Paramedics).

(See City Manager Report CMR-97-89 Rev.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1158) CONTINUED TO MAY 15, 1997

Authorizing the City Manager to execute an Articles of Organization and Operating Agreement, creating the San Diego Medical Services Enterprises, Limited Liability Company, (SDMSE), comprised of the City and Rural/Metro as the Members of the LLC, to provide the EMS/MTS services through a combination of efforts by Fire/Paramedics and Rural/Metro;

Authorizing the City Manager to execute an agreement between SDMSE and the City, describing in detail the obligations SDMSE and its Members will collectively undertake to provide EMS/MTS services to the City;

Authorizing the City Manager to execute an agreement between SDMSE and Rural/Metro, describing in detail the obligations Rural/Metro will undertake on behalf of SDMSE to provide EMS/MTS services to the City;

Authorizing the City Manager to execute an additional agreement between SDMSE and the City, describing in detail the obligations Fire/Paramedics will undertake on behalf of SDMSE to provide EMS/MTS services to the City;

Authorizing the creation of a Special Revenue Fund within the budget of the City, to be known as the EMS/MTS Fund, for the purpose of identifying and controlling the expenditures of FLSS'EMS/MTS operations under the above agreements;

Authorizing the City Manager to undertake the necessary actions and enter into any subsidiary agreements

necessary to implement the purpose and intent of this Resolution, and to make other non-material, non-substantive changes to the LLC Agreement, the EMS Agreement, the City Agreement and the Rural/Metro Agreement, and other agreements entered into pursuant to this Resolution, as the City Manager shall approve as being necessary or in the best interest of the City, and which, in the opinion of the City Attorney, do not: 1) increase the financial commitment or the scope of the obligations of the City, or 2) decrease revenue to the City;

Directing the City Attorney to prepare a Council Policy which, to ensure that the gross financial commitment of the City over the initial five-year term of the EMS Agreement shall not exceed the amount forecast at the time this Resolution is adopted, shall restrict transfers from the City's general fund to the EMS/MTS Fund authorized accordingly;

Directing the City Clerk to insert such Council Policy in the Council Policy Manual where appropriate.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: E109-117.)

MOTION BY McCARTY TO ACCEPT DEPUTY MAYOR WARDEN'S RECOMMENDATION TO CONTINUE THIS ITEM TO A SPECIAL MEETING TO BE HELD MAY 15, 1997, AT 11:00 A.M. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-CS-1: (R-97-1072) ADOPTED AS RESOLUTION R-288665

A Resolution adopted by the City Council in Closed Session on May 13, 1997:

Authorizing the City Manager to pay the sum of \$215,000.00 in the settlement of each and every claim against the City of San Diego, its agents and employees resulting from property damage to Harle Montgomery; authorizing the City Auditor and Comptroller to issue multiple checks in varying amounts, not to exceed \$215,000.00, made payable to Luth & Turley, Inc., the City's small construction contractor on behalf of Harle Montgomery, in full settlement of all claims.

Aud. Cert. 9701021

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Warden at 3:01 p.m. in honor of the memory of:

Michael McLaughlin as requested by Council Member Wear.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E118-122).